

**Development Management**

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Building Safety and Permits
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Engineering and Resource Protection
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Planning
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Zoning Enforcement
757-253-6671

April 14, 2014

Howard Jones
6545 Ware Road
Quinton VA 23141

Re: Property: 2 Joys Circle
James City County Parcel ID – 2220500006

Dear Mr. Jones:

I am writing in response to your letter received March 25, 2014 regarding a property located at 2 Joy's Circle. This property is zoned R-1, Limited Residential, and can be further identified as Parcel Number 2220500006 on the James City County Real Estate Tax Map. The property in question is .531 acres.

You stated in the above referenced letter that you purchased the property and that it is currently designated as a recreation lot on the approved subdivision plat, but you want to know if a single-family detached dwelling could be built on the property.

The recreation lot was created as a part of Phase II of the Hunter's Creek subdivision (S-0006-1986), which was approved on July 28, 1987. The plat showed this parcel as a recreation lot, and did not include the parcel in the number of total residential units as shown on the title sheet (42 single-family residential total). The total density of the subdivision is 1.415 dwelling units an acre. When the subdivision was created the use category in the R-1 district was "Single-family residential." Since the lot was shown as a recreation lot, and not a single-family residence on the approved plat, the "recreation lot" designation would need to be vacated by the Board of Supervisors. However, even if the original recreation lot designation on the plat was vacated, an additional single-family residence would not be permitted given current zoning ordinance requirements.

On May 25, 1999, the Zoning Ordinance was amended and the "Single-family residential" use was changed to "Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)." This ordinance amendment made the Hunter's Creek subdivision legally non-conforming, since the overall gross density was more than one dwelling unit an acre. The existing single-family residential lots in the subdivision have a vested right under the old ordinance; however, since the recreation lot designation never permitted a single-family residence, there is no past right to be grandfathered. The conversion of the recreation lot into a single-family residence would make Hunter's Creek more non-conforming, and therefore would not be permitted.

You have thirty days from this date in which to appeal this decision to the Board of Zoning Appeals, in accordance with § 15.2-2311 of the Code of Virginia or this decision shall be final and unappealable if not appealed within thirty days from this date. The applicable appeal fee is \$500. Additional information regarding the filing of an appeal can be found in sections 24-663 and 24-664 of the James City County Code and at http://www.jamescitycountyva.gov/pdf/county_code/ch24art8.pdf

Should you have questions please feel free to contact Jason Purse at (757) 253-6689.

Sincerely,

Jason Purse
Zoning Administrator

Cc: GRAY, STANLEY K & DORIS A
12642 POINT OF VIEW
GLOUCESTER VA 230612742